

PLANNING COMMISSION REPORT



MEETING DATE: October 19, 2005

ITEM NO. _____

GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Schell GLO Abandonment - 15-AB-2005

REQUEST

Request to consider the following:

1. Abandon the 33-foot wide GLO easement along the east and western boundary of the north $\frac{1}{2}$ of GLO lot 35.
2. Abandon the 33-foot wide GLO easement along the western boundary, of the northwest $\frac{1}{4}$ of GLO lot 34.
3. Abandon the 33-foot wide GLO easement along the eastern boundary and the 8-foot GLO easement along the southern boundary of the southeast $\frac{1}{4}$ of GLO lot 35.
4. Abandon the 33-foot wide GLO easement along the western boundary, and the 8-foot GLO easement along the southern boundary of the southwest $\frac{1}{4}$ of GLO lot 34.

Related Policies, References:

General Plan: Community Mobility Element, Trails Master Plan

9-500.24. [Federal patent easements; city and town abandonment](#)

A city or town, by its own motion or at the request of a property owner, may abandon a federal patent easement established by the small tract act of 1938 that the city or town determines, after notifying and obtaining the consent of all affected utilities, is not being used by the public or is no longer necessary in the same manner as other easements are abandoned.



OWNER/ APPLICANT
CONTACT

Pridemark Residential
480-951-7450

LOCATION

12884 E Turquoise Avenue

BACKGROUND

Background.

The subject 33-foot GLO patent roadway and public utility easements were dedicated on the original GLO patent deed in 1954.

General Land Office Patent Easements (general information).

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.
- Most GLO lots were patented with 33 feet (or sometimes 50 feet) roadway

and public utility easements typically “as near as practicable to the exterior boundaries”.

- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e. lot splits, subdivisions or requesting building permits) staff requires city right-of-way dedications per our circulation plans. The city’s transportation plan establishes a street system to replace the grid pattern created by the GLO easements.
- Any patent easements in excess of the current requirements to the circulation plans (including trails), roadway standards, and not required to insure access to any other lot, may be requested to be abandoned.
- On 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all right-of-ways, alleys, and roadway easements. The City Attorney’s office has concluded that this process for consideration of GLO roadway abandonment satisfies legal requirements.
- On August 12, 2005, Arizona Revised Statute section 9-500.4 became effective. This section gives the local municipality the right to abandon GLO patent easements, and concurs with the city’s position on abandonment of GLO patent easements.

The subject GLO roadway easements were reserved on the original patent deed to assure legal access. Currently the GLO easements are unimproved.

Zoning.

The site is zoned Single Family Residential District, Environmental Sensitive Lands Ordinance (R1-43 ESL).

Context.

The lots are not within a subdivision and is described by metes and bounds and fronted along Gold Dust and Turquoise Avenues. The surrounding property is also zoned R1-43 ESL. There are 18 approved GLO abandonment cases located between 124th Street to 130th Street and from Shea Boulevard north to Mountain View Road.

APPLICANT’S
PROPOSAL

Goal/Purpose of Request.

This request is to abandon the entire 33 feet of GLO roadway and public utility easement along the eastern property boundary and a three foot wide portion of the easement along the property boundaries located within GLO lots 34 and 35. The GLO easements along the northern property boundaries will remain in place to be used as a trail easement.

Key Issues.

CITY IMPACT:

- Maintains consistency with city street standards as approved by the city transportation department.

NEIGHBORHOOD IMPACT:

- The surrounding properties all have existing access. There is no significant impact with the abandonment request. Walls, structures, and buildings historically exist within, and around the GLO easements in this area.

PROPERTY OWNER IMPACT:

- Enables the property owner to allow the existing buildings to remain in place without encroachment into the existing GLO easements.

There are four parcels included in this abandonment application and three of the parcels have structures that encroach within the existing GLO easements.

IMPACT ANALYSIS

Departmental Responses.

City Department/Division participants concur with this abandonment request. See Department Issues Checklist (Attachment #1).

Community Involvement.

The City installed signage at the roadway alignments alerting neighbors in the area of the request. Surrounding property owners within 750-feet have been notified by the applicant through first class mailing. There have been no general inquiries, or comments at the time of writing this report.

**STAFF
RECOMMENDATION**

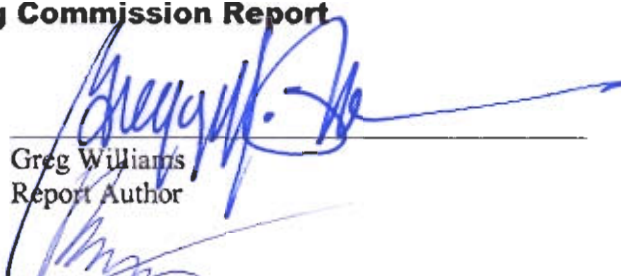
Recommended Approach:
Staff recommends approval.


**RESPONSIBLE
DEPT(S)
STAFF CONTACT(S)**

Planning and Development Services Department

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APPROVED BY



Greg Williams
Report Author

Randy Grant
Chief Planning Officer

ATTACHMENTS

1. Departmental Checklist
2. Context Aerial
3. Detail Aerial
4. Right-of-Way and Easements
5. Area Trails Plan
6. City Notification Map

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Department Issues Checklist

Transportation

☒ **Support**

Access for these parcels will be along Gold Dust and Turquoise Avenues.

Trails

Gold Dust is shown on the Trails Plan as a trail alignment. A local residential street requires a 30-foot half street for roads with trails along them. Currently there is a 25-foot half street, so an additional 5-foot of right-of-way is needed. All lots along this street are developed and it will be difficult to acquire an additional 5-feet of frontage for right of way purposes.

This abandonment cannot be supported by the trails planner because without the additional 5-feet of right of way dedication Gold Dust Road will not meet the requirement of the Trails Master Plan.

The GLO easement along Gold Dust Road will remain in place to provide access for the planned trail alignment.

Public Utilities

☒ **Support**

All utility companies have sent letters of support for this abandonment request with no reservations.

Emergency/Municipal Services

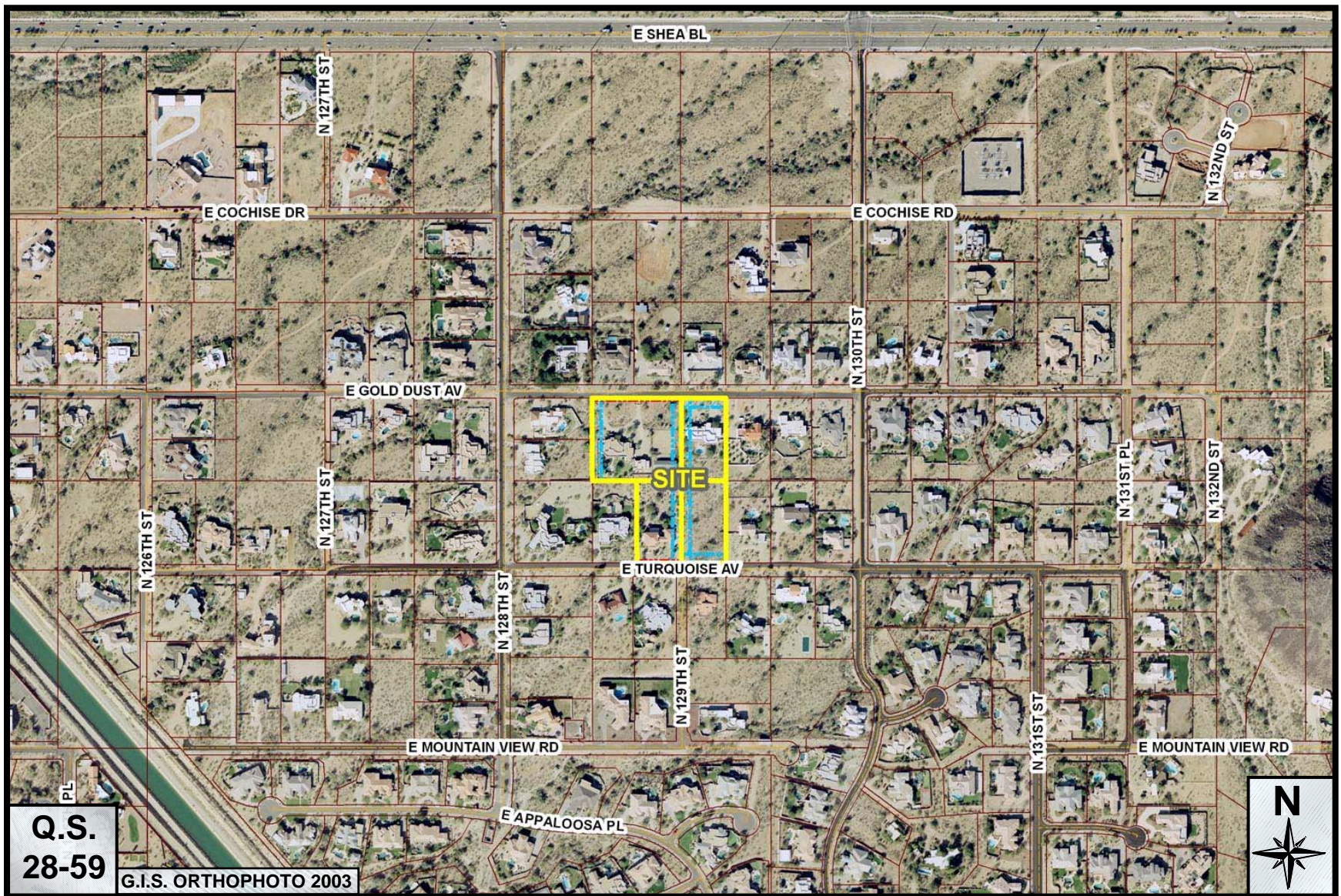
☒ **Support**

This request does not impact the ability to serve these properties or adjacent properties.

Water/Sewer Services

☒ **Support**

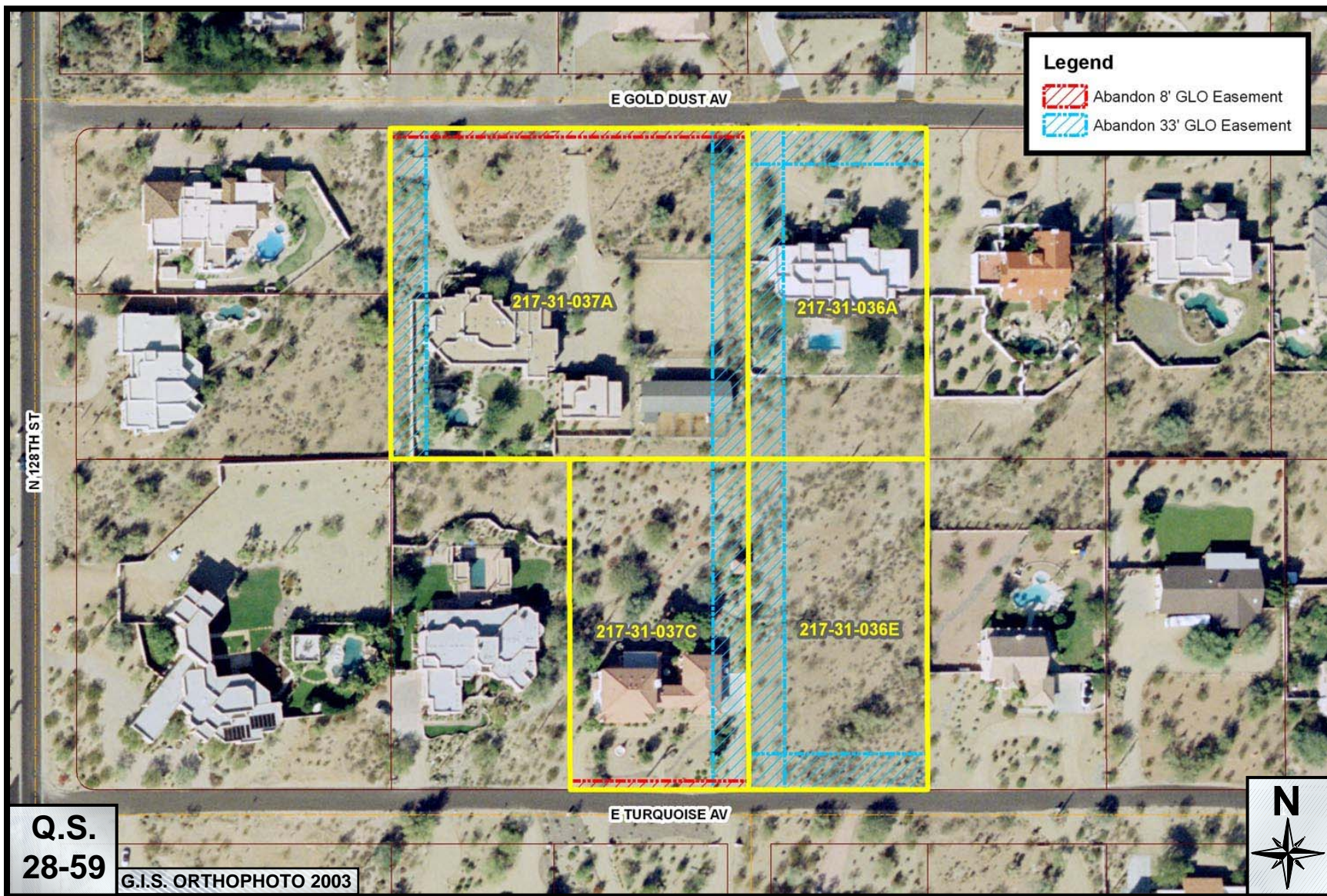
This request does not impact the ability to serve any properties in the surrounding areas.



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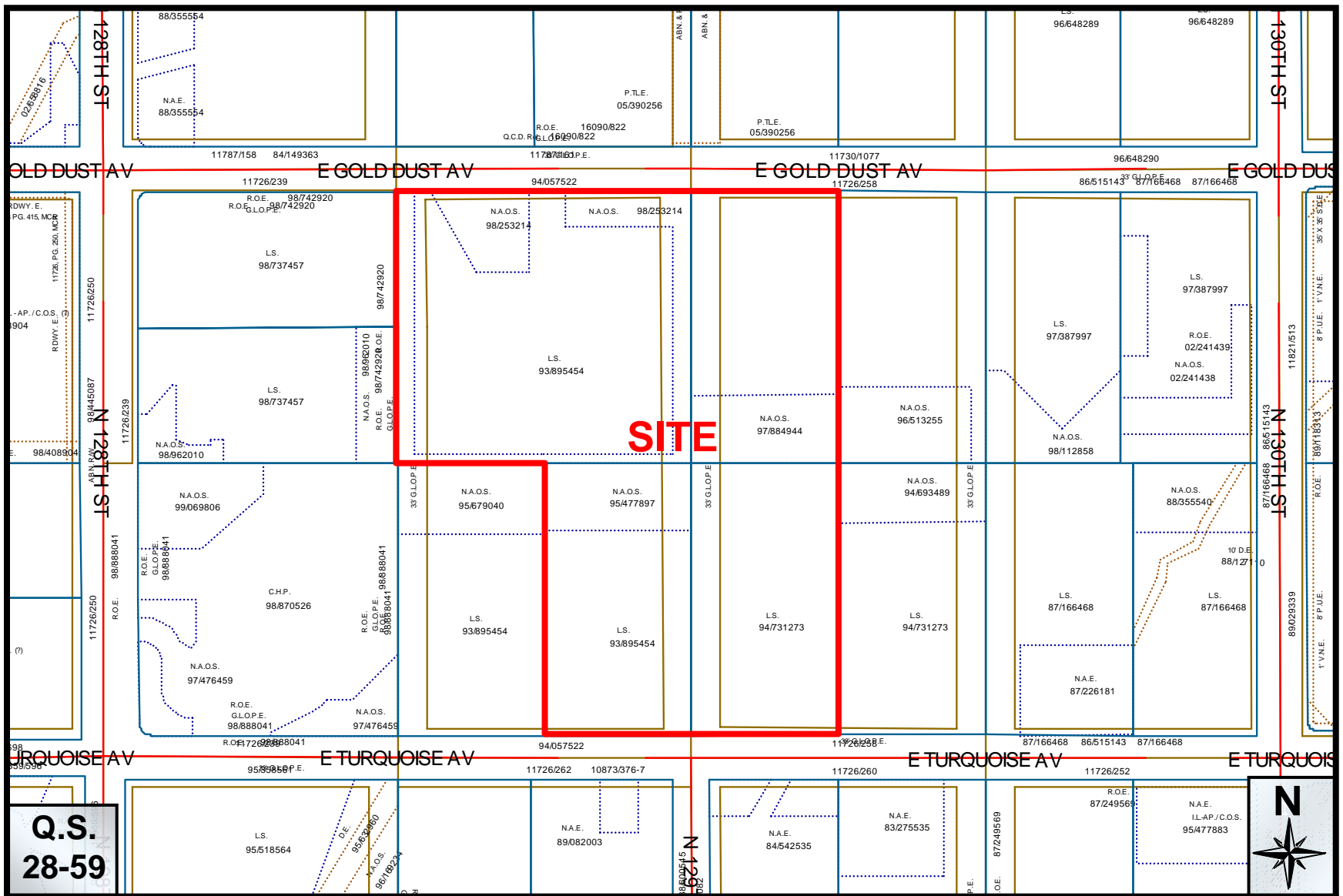
ATTACHMENT #2



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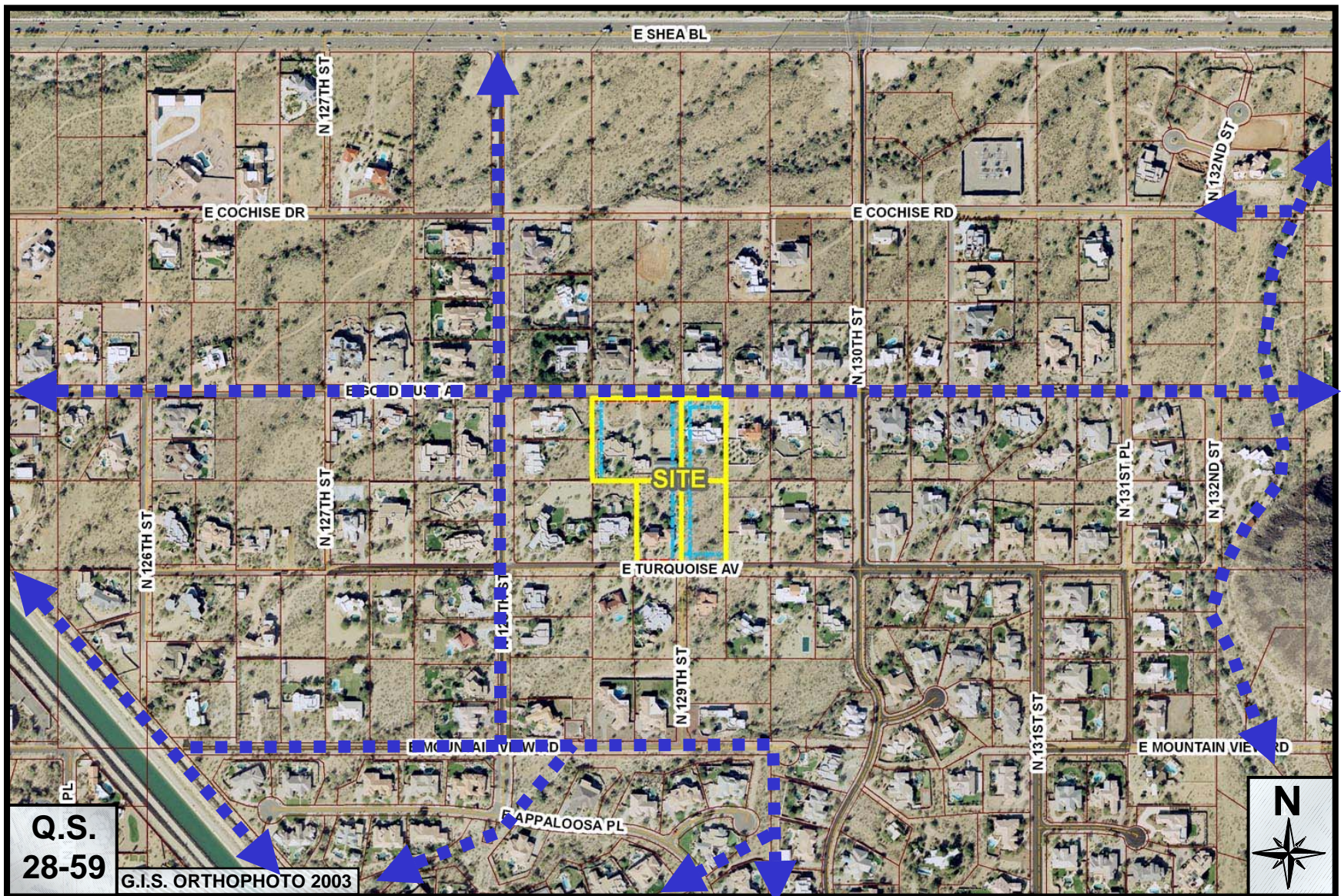
ATTACHMENT #2A



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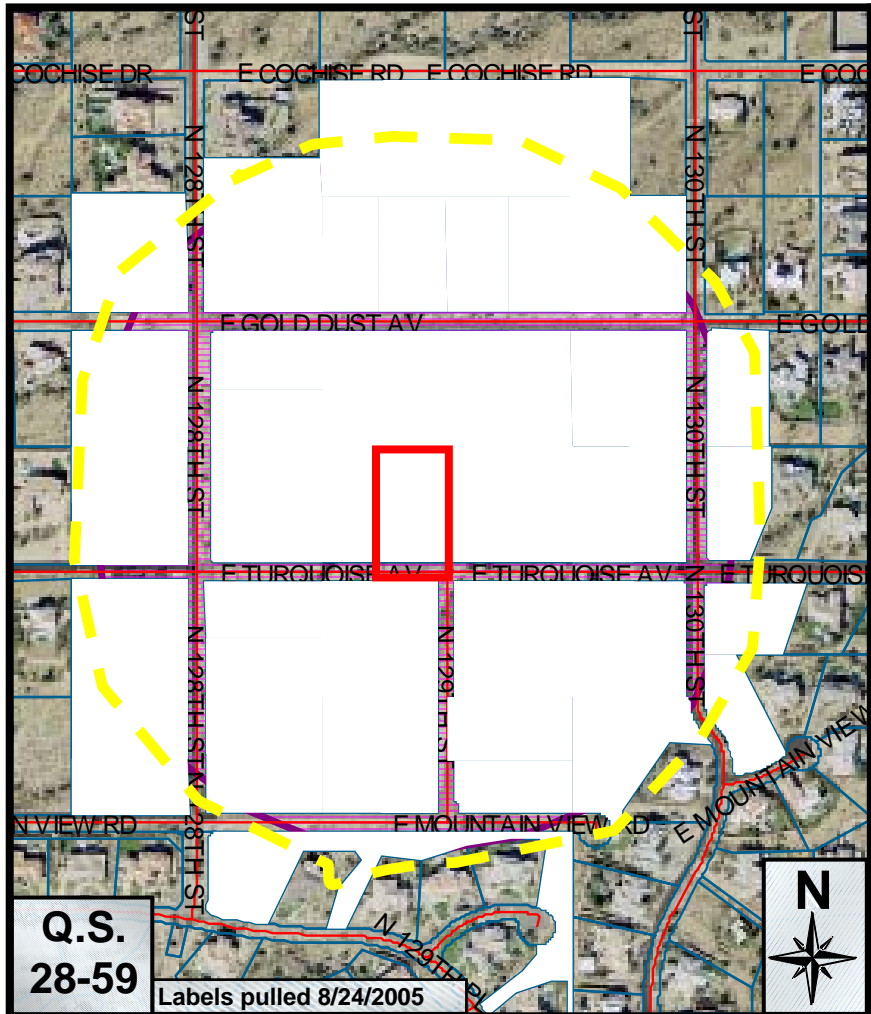
Easements & Right-of-Way



Schell GLO Abandonment ■■■■ Master Planner Trails

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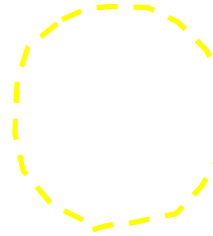
City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750 feet

Additional Notifications:

- Interested Parties List
- Adjacent HOAs

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ATTACHMENT #6